S.B.Cr.Misc. II Bail App. No. 1737/2006
(Heera Vs. State of Rajasthan)

DATE OF ORDER : 01/05/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Pradeep Shah for the petitioner.
Mr. J.P.S.Choudhary, Public Prosecutor.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the challan papers.

After rejecting the earlier bail application, I do not find any change in the circumstances except the submission of the charge-sheet. I have perused the charge-sheet, the statement of prosecutrix and injury report. According to prosecutrix, when she resisted the act of the petitioner attempting to commit rape on her in the mid night, the petitioner gave a knife blow on labia majora which is evident from the injury report. In the circumstances, therefore, I do not consider it a fit case to grant bail to the petitioner at this stage. Accordingly, the second bail application filed by the petitioner under Section 439 Cr.P.C. is dismissed. However, the petitioner is at liberty to file a fresh bail application after the statement of prosecutrix is recorded by the trial court. The trial court shall record the statement of prosecutrix as a first witness.

(H.R.PANWAR), J.

RP